FILED

JUN 1 4 2021

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

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8   UNITED STATES DISTRICT COURT

9   SOUTHERN DISTRICT OF CALIFORNIA

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11 | UNITED STATES OF AMERICA, | Case No.: 3:13-cr-04514-BEN-9
12 | Plaintiff, | **ORDER DENYING MOTION FOR**
13 | v. | **COMPASSIONATE RELEASE**
14 | RACHEL RUVALCABA-MORALES |
15 | Defendant. | **[ECF No. 684]**

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17   Movant Rachel Ruvalcaba-Morales has filed a Motion for Compassionate Release

18 pursuant to 18 U.S.C. § 3582(c)(1)(A) ("Section 3582(c)(1)(A)"). ECF No. 684. The

19 United States opposed. ECF No. 695.

20   At this time, the Court recognizes there is no applicable policy statement governing

21 compassionate release motions filed by defendants under the recent amendments to

22 Section 3582(c)(1)(A). The Court also recognizes that a district court's discretion may be

23 informed by U.S.S.G. § 1B1.13, but that it is not binding, and a district court may

24 consider any extraordinary and compelling reason for release that a defendant might

25 raise. *United States v. Aruda*, 993 F.3d 797, 801-02 (9th Cir. 2021).

26   Other courts within this district have found "extraordinary and compelling"

27 circumstances exist where defendants suffered from similar medical conditions to those

28 Movant discusses in her motion. *See, e.g., United States v. Fortanel*, Case No. 18-cr-

5383-GPC-1, 2021 WL 1579082, at *3 (S.D. Cal. Apr. 22, 2021). Without deciding whether the Court agrees that Movant's circumstances are "extraordinary and compelling," she is nonetheless not entitled to compassionate release because her release would pose a significant danger to the community. *See* 18 U.S.C. § 3553(a)(2)(C).

Movant is currently serving a 180-month sentence for conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d) and conspiracy to distribute controlled substances in violation of 18 U.S.C. §§ 841 and 846. She also has a substantial criminal history. *See* Tr., ECF No. 505 (noting the Movant's criminal history category is VI). The motion is therefore **DENIED**.

IT IS SO ORDERED.

Date: June ⁄⁄, 2021

HON. ROGER T. BENITEZ
United States District Judge

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